MONTANA LEGISLATIVE HISTORY

Chapter 655 19 83

Bill H 846 S _____ Original bill & history ____C

H. Committee on State Administration			S. Committee on State Administration		
Hearing Date(s)	Feb 18	✓ C	Hearing Date(s)	Mar 10	✓ C
	_____	____C		Mar 23	✓ C
	_____	____C		_____	____C
	_____	____C		_____	____C
Date Out	Feb 18	✓ C		Mar 23	✓ C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

Note: A conference committee was appointed, but its minutes are unavailable.

INTRODUCED: 02/15/83
REFERRED TO COMMITTEE ON LABOR & EMPLOYMENT RELATIONS: 02/15/83
HEARING: 2/19/83
DIED IN COMMITTEE

H-4 -- SANDS -- AUTHORIZING THE DEPARTMENT OF REVENUE TO CONDUCT A STUDY OF THE PERSONAL PROPERTY TAX SYSTEM; AND PROVIDING AN APPROPRIATION THEREFOR.

INTRODUCED: 02/15/83
REFERRED TO COMMITTEE ON TAXATION: 02/15/83
HEARING: 3/10/83
DIED IN COMMITTEE

H-5 -- KEMMIS -- DETERRING DRUNK DRIVING BY REQUIRING THE DIVISION OF MOTOR VEHICLES OF THE DEPARTMENT OF JUSTICE TO SUSPEND OR REVOKE, WITHOUT REGARD TO RELATED CRIMINAL CHARGES, THE DRIVING PRIVILEGES OF ANY PERSON ARRESTED FOR OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL WHOSE ALCOHOL CONCENTRATION IS 0.10 OR GREATER; GRANTING THE ARRESTING OFFICER AUTHORITY TO SEIZE THE DRIVER'S LICENSE; PROVIDING NOTICE OF SUSPENSION OR REVOCATION OF DRIVING PRIVILEGES AND OPPORTUNITY FOR HEARING OR PETITION TO THE DISTRICT COURT; PROVIDING FOR A TEMPORARY DRIVING PERMIT; PROHIBITING THE GRANTING OF A RESTRICTED PROBATIONARY LICENSE DURING THE FIRST 90 DAYS OF ANY SUSPENSION OR REVOCATION; SPECIFYING PERIODS OF SUSPENSION AND REVOCATION; PROVIDING THAT SUSPENSION OR REVOCATION UNDER THIS ACT AND FOR CRIMINAL CONVICTION ARISING OUT OF THE SAME OCCURRENCE MUST RUN CONCURRENTLY; PROVIDING FOR A REINSTATEMENT FEE; AND PROVIDING FOR AN ADMINISTRATIVE HEARING AND JUDICIAL REVIEW.
BY REQUEST OF: THE DEPARTMENT OF JUSTICE

INTRODUCED: 02/15/83
REFERRED TO COMMITTEE ON JUDICIARY: 02/15/83
HEARING: 2/16/83
DIED IN COMMITTEE

H-6 -- BRAND -- EXPANDING THE PROHIBITIONS AGAINST POLITICAL COERCION OF PUBLIC EMPLOYEES AND POLITICAL ACTIVITIES OF PUBLIC EMPLOYEES WHILE ON THE JOB ....
BY REQUEST OF: THE HOUSE STATE ADMINISTRATION COMMITTEE

INTRODUCED: 02/15/83
REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 02/15/83
HEARING: 2/16/83
REPORT: 02/16/83, DO PASS
2ND READING: 02/19/83, DO PASS AYES: 84; NAYS: 7
3RD READING: 02/22/83, DO PASS AYES: 93; NAYS: 7

TRANSMITTED TO SENATE: 2/22/83
REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 3/1/83
HEARING: 3/10/83
REPORT: 03/24/83, BE CONCURRED IN, AS AMENDED
2ND READING: 03/26/83 AYES: 48; NAYS: 0
3RD READING: 03/28/83 AYES: 47; NAYS: 0

RETURNED TO HOUSE WITH AMENDMENTS: 3/28/83
2ND READING: 04/04/83, BE NOT CONCURRED IN AYES: 86; NAYS: 2

CONFERENCE COMMITTEE APPOINTED: 04/04/83

CONFERENCE COMMITTEE REPORT: 4/13/83

HOUSE
2ND READING: 04/14/83, ADOPTED AYES: 87; NAYS: 2
3RD READING: 04/15/83, ADOPTED AYES: 95; NAYS: 0

SENATE
2ND READING: 04/18/83, BE ADOPTED AYES: 31; NAYS: 16
3RD READING: 04/19/83, BE ADOPTED AYES: 43; NAYS: 3

TRANSMITTED TO GOVERNOR: 4/21/83
SIGNED: 4/27/83, CHAPTER 655

HB 847 -- DRISCOLL -- PROVIDING THAT SALARIES FOR ELECTED STATE OFFICIALS, SUPREME COURT JUSTICES, DISTRICT JUDGES, THE COMMISSIONER OF POLITICAL PRACTICES, AND THE CHAIRMAN AND MEMBERS OF THE STATE TAX APPEAL BOARD REMAIN AT CURRENT LEVEL ....
BY REQUEST OF: THE HOUSE STATE ADMINISTRATION COMMITTEE

INTRODUCED: 02/15/83
REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 02/15/83
HEARING: 2/18/83
REPORT: 02/18/83, DO PASS, AS AMENDED
2ND READING: 02/19/83, DO PASS AYES: 76; NAYS: 14
3RD READING: 02/22/83, DO PASS AYES: 78; NAYS: 22

TRANSMITTED TO SENATE: 2/22/83
REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 3/1/83
HEARING: 3/17/83
REPORT: 3/18/83, BE CONCURRED IN
ON MOTION, 3/22/83, THAT PASS CONSIDERATION BE GIVEN TO THE BILL ON 2ND READING THIS DATE. MOTION PASSED UNANIMOUSLY.
2ND READING: 03/24/83 AYES: 49; NAYS: 0
3RD READING: 03/23/83 AYES: 20; NAYS: 27 FAILED

RETURNED TO HOUSE 3/28/83

ON MOTION, DULY CARRIED, RETURNED TO SENATE FOR FURTHER CONSIDERATION 3/29/83.
REFERRED TO COMMITTEE ON FINANCE & CLAIMS: 03/30/83
REPORT: 04/12/83, BE CONCURRED IN, AS AMENDED
2ND READING: 04/14/83, BE CONCURRED IN, AS AMENDED AYES: 40; NAYS: 9
3RD READING: 04/15/83 AYES: 38; NAYS: 10

RETURNED TO HOUSE WITH AMENDMENTS: 4/15/83
2ND READING: 04/16/83, CONCURRED IN AYES: 94; NAYS: 1
3RD READING: 04/16/83, BE CONCURRED IN AYES: 96; NAYS: 0

TRANSMITTED TO GOVERNOR: 04/21/83
SIGNED: 4/27/83, CHAPTER 656

HB 848 -- MENAHAN, DOZIER, HARRINGTON, ET AL. -- PROVIDING FOR PREJUDGMENT INTEREST AT THE RATE OF 10 PERCENT A YEAR ON A JUDGMENT GREATER THAN AN OFFER OF SETTLEMENT REFUSED BY THE DEFENDANT.

INTRODUCED: 02/15/83
REFERRED TO COMMITTEE ON JUDICIARY: 02/15/83
HEARING: 2/21/83
DIED IN COMMITTEE

HB 849 -- SPAETH, CONOVER, SANDERS, ET AL. -- TO APPROPRIATE $6,000 TO THE DEPARTMENT

Leo Berry: "Anyone is eligible under the water development program. You received, earlier in the session, a green book and a yellow book listing all the projects that we reviewed under this project. All the smaller projects are included for recommendations for grants and loans. The bigger projects, the ones you have here, are the ones that require a major bonding effort."

Chairman Brand opened the hearing on HB 846 sponsored by the Committee.

Jack Lowe, Staff Attorney for Political Practices: "This bill would broaden the protection that public employees have against coercion. A prior version of the bill prohibited any coercion by means of soliciting anything of value. It turns out that there are ways to coerce people that don't have anything to do with monetary value. In this bill, we have simply made it illegal to coerce public employees to support candidates at all or with regard to ballot issues. There is one little feature of this bill that I should point out. Subsection 3, the part that deals with politicking on the job, has been amended to prohibit politicking in favor of or opposition to ballot issues. Every ten years in this state, we have an issue that comes up called the six mill levy. Traditionally, administrators of the university system get out and publicly support that bill. Under this version of the bill, that would be illegal."

Larry Weinberg, Staff Attorney with the Montana University System: "From my own personal experiences in other positions that I have had, the changes that are suggested for subsection 2, I think are good changes. Whenever you work in state government, you are exposed to that risk of pressure being put on you for political purposes. In a small state like Montana, this can have an adverse effect on the operation of state government. As far as the restrictions go on political activities by state employees, I think in general we should not be fighting for candidates while we are on the job. If we want to take vacation time or comp time to go out and take political positions I think that is all right. I do have some concerns in the area of the ballot issue, however. From the standpoint of the six mill levy, which directly affects the university system, the other one is a little bit more general. Very frequently, you are going to have, not just at the university but throughout the public school system, issues that come up such as the nuclear

moratorium or the issues that, so often are the meat of discussions. I hope that it is not the committee's intent to prohibit discussions in the classroom of various issues that are of concern at the time."

There were no opponents to HB 846.

Jack Lowe made the closing statements on HB 846: "I don't have any position whatsoever on this ballot issue business."

Representative Driscoll: "You said that some administrators take time off to push the six mill levy. This bill wouldn't stop that."

Jack Lowe: "It would stop them from doing it unless they were to take annual leave."

HOUSE STATE ADMINISTRATION COMMITTEE IN EXECUTIVE SESSION:

Chairman Brand asked the Committee what action it would like to take on HB 846.

Representative Koehnke moved and Representative Hammond seconded the motion that the Committee pass HB 846.

There was some discussion as to the comments that Larry Weinberg had brought up in regard to discussion of issues in the classroom. It was unanimous that this bill was not intended to prohibit open classroom discussion.

HB 846 PASSED THE COMMITTEE BY UNANIMOUS CONSENT.

Chairman Brand asked what action the Committee would like to take in regard to HB 847.

Representative Driscoll explained the amendment: "The Chairman of the Public Service Commission would get $100 more a month."

Representative Driscoll moved that the amendment be accepted. Representative McCormick seconded the amendment.

THE AMENDMENT TO HB 847 PASSED THE COMMITTEE with Representative Pistoria voting no.

Representative Driscoll moved and Representative Bliss seconded the motion that HB 847 pass as amended.

STANDING COMMITTEE REPORT

FEBRUARY 18 19 83

MR. SPEAKER

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 846

first reading copy (white)
Color

"AN ACT EXPENDING THE PROHIBITIONS AGAINST POLITICAL COERCION OF PUBLIC EMPLOYEES AND POLITICAL ACTIVITIES OF PUBLIC EMPLOYEES WHILE ON THE JOB; AMENDING SECTION 13-35-226, MCA."

Respectfully report as follows: That HOUSE Bill No. 846

DO PASS

REP. JOE BRAND, Chairman.

STATE PUB. CO.
Helena, Mont.

CONSIDERATION OF HOUSE BILL 781:
"AN ACT TO SUBMIT TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE V, SECTION 3, OF THE MONTANA CONSTITUTION TO PROVIDE FOR THE ELECTION OF SENATORS FOLLOWING THE FILING OF A PLAN FOR LEGISLATIVE REDISTRICTING AND REAPPORTIONMENT BY REQUIRING ELECTIONS TO BE HELD IN ALL SENATE DISTRICTS."

REPRESENTATIVE DRISCOL, District 69, presented this bill as a House State Administration Bill. This bill submits to the voters that all senators, after reapportionment, have to run again. Page 2 of the bill is the new section, shown on line 5.

PROPONENTS: None

OPPONENTS: None

QUESTIONS OF THE COMMITTEE:

SENATOR STORY asked how many votes this got in the House.

REPRESENTATIVE DRISCOL said that he believes on third reading it was 70.

SENATOR TVEIT mentioned that this bill addresses the two years and four years on the election, but does it address it after that time senators will be elected every two years.

REPRESENTATIVE DRISCOL said "no".

The hearing closed on H.B. 781.

CONSIDERATION OF HOUSE BILL 846:
"AN ACT EXPANDING THE PROHIBITIONS AGAINST POLITICAL COERCION OF PUBLIC EMPLOYEES AND POLITICAL ACTIVITIES OF PUBLIC EMPLOYEES AND POLITICAL ACTIVITIES OF PUBLIC EMPLOYEES WHILE ON THE JOB."

REPRESENTATIVE BRAND, District 28, presented this bill and said that it was derived out of committee. The problem is that in state government, especially here in Helena, people were asked to contribute or do various things for political purposes while they were on duty. This bill is to curb those activities.

PROPONENTS: None.

OPPONENTS: None.

QUESTIONS OF THE COMMITTEE: None.

SENATOR STORY stated that they will hold this bill for awhile to see what the- will do with SENATE BILL 438 as they do not want them both to fail.

REPRESENTATIVE BRAND said they will amend S.B. 438 to add the ballot issue.

The hearing closed on H. B. 846.

EXECUTIVE SESSION:

ACTION ON HOUSE BILL 627:
SENATOR MANNING MOVED THE AMENDMENT to strike everything after "10" on page 2, line 4, and line 5 through "department". MOTION PASSED.

SENATOR MANNING MOVED THAT H.B. 627 BE CONCURRED IN AS AMENDED.
MOTION PASSED. Senator Hammond will carry this bill.

ACTION ON HOUSE BILL 781:
It was decided to bring the amendments in Friday for action.

There was no further business and the meeting adjourned at 11:35 a.m.

CHAIRMAN, Senator Pete Story

ROLL CALL

STATE ADMINISTRATION COMMITTEE

47th LEGISLATIVE SESSION -- 1983 Date 3/10/83

NAME	PRESENT	ABSENT	EXCUSED	SENATE SEAT
SENATOR PETE STORY, Chairman	X			45
SENATOR H. W. HAMMOND, Vice Ch	X			34
SENATOR REED MARBUT	X			44
SENATOR LARRY TVEIT	X			33
SENATOR R. MANNING	X			48
SENATOR LAWRENCE STIMATZ	X			7
SENATOR THOMAS TOWE		X		26
SENATOR GARY LEE	X			

Each day attach to minutes.

ACTION ON HOUSE BILL 424:
The statement of intent to H.B.424 was MOVED by SENATOR TOWE. Shown as EXHIBIT 8. It will be presented as a Committe of the Whole Amendment.
MOTION PASSED.

ACTION ON HOUSE BILL 846:
SENATOR TOWE MOVED THAT H.B.846 BE CONCURRED IN AS AMENDED.
MOTION PASSED. Senator Marbut will carry this bill.

ACTION ON HOUSE BILL 625:
SENATOR TOWE MOVED AN AMENDMENT that the Montana Arts Council may suggest a recommendation even though the architect does not considerthe proposed building as warranting it.
MOTION PASSED.
SENATOR TOWE MOVED THE AMENDMENT to correct grammar on page 1, line 6. (not to exceed-~~up-to~~ 1%)
MOTION PASSED.
SENATOR TOWE MOVED THE AMENDMENT page 3, line 4, to insert "new" following "for".
MOTION PASSED
SENATOR TOWE MOVED H.B.625 BE CONCURRED IN AS AMENDED.
MOTION PASSED. Senator Regan will carry this bill.

ACTION ON HOUSE BILL 714:
SENATOR TOWE MOVED THE AMENDMENTS, EXHIBIT 9.
MOTION PASSED.
SENATOR MANNING MOVED H.B.714 AS AMENDED.
SENATOR TOWE moved page 3, lines 7 and 8, strike "but are not limited to".
MOTION PASSED.
SENATOR MANNING MOVED THAT H.B.714 BE CONCURRED IN AS AMENDED.
MOTION PASSED.

ACTION ON HOUSE BILL 107:
It was the decision of the committee to table this bill.
SENATOR TOWE MOVED THAT H.B.107 BE TABLED.
MOTION PASSED.

ACTION ON HOUSE BILL 521:
Dave Cogley, legal council reviewed the proposed amendments.
SENATOR TOWE MOVED THE AMENDMENTS.
MOTION PASSED. Senator Stimatz voted "no".
SENATOR TOWE MOVED H.B.107 BE CONCURRED IN AS AMENDED.
Roll Call Vote, EXHIBIT 10. Five voting "yes"; three "no".
MOTION PASSED. Senator Towe will carry this bill.

ROLL CALL

STATE ADMINISTRATION COMMITTEE

48th LEGISLATIVE SESSION -- 1983 Date March 23

NAME	PRESENT	ABSENT	EXCUSED	SENA SEAT
SENATOR PETE STORY, Chairman	X			45
SENATOR H. W. HAMMOND, Vice Ch	X			34
SENATOR REED MARBUT	X			44
SENATOR LARRY TVEIT	X			33
SENATOR R. MANNING	X			48
SENATOR LAWRENCE STIMATZ	X			7
SENATOR THOMAS TOWE	X			26
SENATOR GARY LEE	X			11

Each day attach to minutes

STANDING COMMITTEE REPORT

MARCH 23 19 83

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 846

Brand (Marbut)

Respectfully report as follows: That HOUSE Bill No. 846

Third Reading Copy, be amended as follows:

1. Title, line 6.
Following: "POLITICAL"
Strike: "remainder of line 6 through "POLITICAL" on line 7

2. Title, line 7.
Following: "EMPLOYEES"
Strike: remainder of line 7 through "JOB" on line 8
Insert: "AND OFFICIALS"

3. Title, line 8.
Following: "MCA"
Insert: "; AND REPEALING SECTION 87-1-204, MCA"

~~DO PASS~~

CONTINUED..

Chairman.

STATE PUB. CO.
Helena, Mont.

MARCH 23 19 83

4. Page 1.
Following: line 10
Insert: "Section 1. Political activity of public employees.
(1) While retaining the right to vote as he may please, the right to express his opinions on all political questions, and the right to participate in and support the candidacy of any person for a public office, an employee of the state of Montana or any political subdivision of the state may not use his official authority or influence for the purpose of interfering with an election or affecting the results thereof or for the purpose of coercing or influencing the political actions of any person or body, other than as provided in this section and [section 2.]

(2) No such employee may solicit support or opposition to any political committee, the nomination or election of any person to public office, or the passage of a ballot issue while on the job or at his place of employment, and no such employee may use his official title or authority when offering public testimony on behalf of any issue, cause, or political purpose except as provided in this section and [section 2].

(3) Such employee may appear and testify before any committee of the legislature only:

(a) upon invitation of a legislator;

(b) for informational purposes; or

(c) when exercising his rights as a private citizen and not acting in any official capacity.

Section 2. Registration of public officials as spokesmen. (1) The head of each board, commission, department, or agency of state government and the governing body of any unit of local government shall, at least 15 days prior to each legislative session, file with the secretary of state a list of the officials or employees who are designated as official spokesmen representing such governmental board, commission, department, agency, or unit before the legislature. The secretary of state must be promptly notified of any change of authorized spokesmen.

(2) The secretary of state shall record in a legislative docket the information supplied under this section and shall furnish current, complete lists thereof to the clerk of each house and to each member of the legislature. The records required to be kept by this section must be open to public inspection and copying during the regular business hours of the secretary of state.

Section 3. Penalty. Any person who violates the provisions of [section 1 or 2] or 13-35-226 shall be fined not more than $1,000."
Renumber: subsequent section.

CONTINUED..

Chairman.

STATE PUB. CO.
Helena, Mont.

MARCH 23 83

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5. Page 1, line 12.
Strike: "and employees"

6. Page 2, lines 13 through 24.
Strike: subsections (3) and (4) in their entirety

7. Page 2.
Following: line 24
Insert: "Section 5. Codification instruction. Sections 1 through 3 are intended to be codified as an integral part of Title 13.

Section 6. Repealer. Section 87-1-204, MCA, is repealed."

And, as so amended
BE CONCURRED IN

Chairman.

SENATOR PETE STORY

STATE PUB. CO.
Helena, Mont.